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Use and application of United Nations standards and norms in crime prevention and criminal justice

Outcome of the meeting of the open-ended intergovernmental expert group on gender-related killing of women and girls

Report of the Secretary-General

I. Introduction

1. In its resolution 68/191, entitled "Taking action against gender-related killing of women and girls", the General Assembly requested the Secretary-General to convene an open-ended intergovernmental expert group meeting to discuss ways and means to more effectively prevent, investigate, prosecute and punish gender-related killing of women and girls, with a view to making practical recommendations, drawing also on current best practices, in consultation with relevant United Nations entities and human rights mechanisms.

2. The meeting of the open-ended intergovernmental expert group was organized by the United Nations Office on Drugs and Crime and hosted by the Government of Thailand in Bangkok from 11 to 13 November 2014.

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II. Organization of the meeting

A. Bureau of the meeting

3. The following officers were elected by consensus:

Chair:	Kanchana Patarachoke (Thailand)
First Vice-Chair:	María Guadalupe Díaz Estrada (Mexico)
Second Vice-Chair:	Marilena Olavo Gamboa Lauriano (Angola)
Rapporteur:	Anni Lietonen (Finland)

B. Attendance

4. The meeting was attended by experts from the following 31 Member States: Angola, Canada, Chile, Côte d'Ivoire, Fiji, Finland, Germany, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Lebanon, Mali, Mexico, Myanmar, Nauru, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, United Arab Emirates and United States of America. The observer for the State of Palestine attended the meeting. Observers for the following entities of the United Nations system attended the meeting: Office of the United Nations High Commissioner for Human Rights, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Office on Drugs and Crime and United Nations Population Fund. Observers for the following organizations also attended the meeting: Academic Council on the United Nations System, Academy of Criminal Justice Sciences, College for Criminal Law Science of Beijing Normal University, International Centre for Criminal Law Reform and Criminal Justice Policy, International Council of Women, Organization of American States, Soroptimist International and the World Society of Victimology.

III. Outcome of the meeting

A. General conclusions and recommendations

5. The meeting recognized the high level of impunity and lack of accountability in cases of gender-related killing of women and girls,[1] which often represented the final event of a continuum of violence. It was noted that gender-related killing of women and girls was criminalized in some countries as "femicide" or "feminicide" and had been incorporated as such into national legislation in those countries.

6. Participants highlighted the need for measures to prevent and address these crimes and their causes, taking into account the specific situation in each country. Tailored approaches were required to address different forms of gender-related killing, ranging from "honour" and dowry-related killing to female infanticide. The

[1] Hereinafter, the term "women" includes girls under the age of 18.

particular challenges arising from situations of armed conflict, where women have been targeted, were also acknowledged.

7. Participants stressed the importance of adopting and implementing relevant laws, policies, procedures and practices at all levels, in line with international human rights law and making use of international standards and norms in crime prevention and criminal justice. It was stressed that States have a duty to strongly condemn all forms of violence against women and to refrain from invoking any custom, tradition or religious considerations to avoid their international obligations. The meeting also recognized the importance of mutual legal assistance, especially in cases where the presence of the perpetrator during proceedings was required. Due consideration should be given to financial and budgetary constraints of States in dealing with gender-related killing of women.

8. Practical tools that could be considered as models for action at the national and international level included the Latin American Model Protocol for the Investigation of Gender-related Killing of Women[2] and the Recommendations for the Effective Investigation of the Crime of Femicide.[3] References were made to the decisions of the Inter-American Court of Human Rights, the European Court of Human Rights, the International Criminal Court, the United Nations criminal tribunals for the former Yugoslavia and Rwanda and the jurisprudence of the Committee on the Elimination of Discrimination against Women.

9. The meeting discussed the following practical measures that could be taken by Member States to more effectively prevent, investigate, prosecute and punish gender-related killing of women:

(a) Consider ways to enhance international cooperation in these cases, including by ratifying and implementing the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of the Child and the Protocols thereto, the Rome Statute of the International Criminal Court, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and their follow-up mechanisms;

(b) Consider translating and disseminating the Latin American Model Protocol for the Investigation of Gender-related Killing of Women, to be used as a model for regional and country-level adaptation, and training justice officials on its contents and use, in collaboration with relevant entities of the United Nations system;

(c) Review, evaluate and update national laws to effectively address gender-related killing of women, including, where appropriate, by providing for specific offences or aggravating circumstances and by reviewing legislation to

[2] Available at www.unodc.org/documents/justice-and-prison-reform/Expert-group-meeting-Bangkok/ProtocoloLatinoamericanoDeInvestigacion.pdf.

[3] Available at www.aecid.es.

ensure that it does not include discriminating factors — "passion", "violent emotion", "honour" or "provocation" — that allow perpetrators to escape criminal responsibility;

(d) Strengthen the capacity of criminal justice institutions to prevent, investigate, prosecute, punish and remedy gender-related killing of women, including by:

(i) Assessing the effectiveness of laws;

(ii) Implementing training programmes and awareness campaigns;

(iii) Identifying gender stereotypes and discrimination within institutions, providing adequate sanctions for discrimination, sexual misconduct and other misconduct, and ensuring that measures are taken to address them;

(iv) Promoting the recruitment, employment and appropriate working conditions of women in the legal and law enforcement professions, especially at the decision-making level;

(e) Promote and enhance coordination, at all levels of government, between institutions mandated to prevent, investigate, prosecute, punish and remedy gender-related killing of women, as well as coordination with other relevant sectors, including civil society and the education, health, social services and security sectors;

(f) Provide sufficient human, technical and financial resources for the implementation of laws, policies, procedures and practices to prevent and respond to gender-related killing of women, including by adopting gender-sensitive budget policies as well as monitoring and accountability procedures;

(g) Monitor the implementation of laws, policies, procedures and practices and gender-sensitive budget policies to prevent and respond to gender-related killing of women, and evaluate their effectiveness and impact, including from a gender perspective, through transparent, participatory and inclusive processes;

(h) Continue and enhance international cooperation and technical assistance to address capacity gaps and the exchange of information on the implementation of promising practices to prevent and address gender-related killing of women, with the support of relevant United Nations entities and competent regional institutions and civil society, including academic and research institutions.

B. Data collection and analysis

10. The meeting noted that the United Nations Statistics Division and other United Nations entities had collected valuable gender-related data. The meeting acknowledged the importance of collecting, analysing and disseminating disaggregated data on violence against women and gender-related killing of women and their root causes. The meeting stressed the importance of the collection of qualitative data in order to explain the causes and motivations for gender-related killing of women and to provide insights into survivors' experiences.

11. Different sources and collection methods were identified, including victim surveys, national prevalence surveys on violence against women, official records of

health and criminal justice agencies and national systems for reporting violent deaths. Such data were especially important to evaluate the effectiveness of relevant laws, policies and strategies.

12. Challenges included the availability of data, underreporting or non-registration of complaints, differences in definitions and collection methodologies, and difficulties in accessing available data. Limited resources, insufficient training and poor coordination between relevant agencies posed further obstacles. In order to harmonize different types of data, it was suggested that metadata could be relied on as a means of classifying data and attempting to move forward and analyse the data in hand. It was also noted that the collection of data could be burdensome for some government agencies and that the widespread collection of data was not always practical or feasible.

13. In order to address those challenges, the meeting discussed the following practical measures that could be taken by Member States:

(a) Identify elements that could be used at the national and international levels to characterize and classify forms of gender-related killing of women, in particular for statistical purposes;

(b) Strengthen the collection, analysis and dissemination of qualitative and quantitative data on gender-related killing of women and other forms of violence against women, focusing on factors such as age, racial and ethnic origin, criminal history of perpetrators, the relationship between the victim and the perpetrator, modus operandi, context and motive, taking special care to include reports on violence in rural and marginalized areas and the situation of specific groups of women and victims;

(c) Collect and analyse data in an integrated manner to consider the links between gender-related killing and different forms of violence against women, such as human trafficking or harmful practices;

(d) Collect and analyse data on indirect forms of gender-related killing of women, such as deaths due to poorly conducted and clandestine abortions; maternal mortality; deaths from harmful practices; deaths linked to human trafficking, drug dealing, organized crime and gang-related activities; the death of girls from simple neglect, through starvation or ill-treatment; and deliberate acts of omission by the State;

(e) Collect and publish official data and information regularly and transparently, in a format that responds to the needs of a variety of audiences, while respecting confidentiality and preserving the safety and privacy of the victims; and consider the provision of technical assistance in this regard as a matter of priority;

(f) Analyse data from a gender perspective, involving, to the extent possible, relevant government agencies, civil society, academia, victims' representatives and the international community;

(g) Provide adequate human and financial resources for the collection, analysis and dissemination of data on gender-related killing of women;

(h) Provide regular and institutionalized training to relevant personnel on technical and ethical aspects of the collection, analysis and dissemination of data on gender-related killing of women.

C. Prevention

14. Prevention was considered a cost-effective intervention to protect women from gender-related killing, as part of a broader effort to create a culture of lawfulness, recognizing that the absence of effective law enforcement places women in conditions of acute vulnerability. The meeting underlined the importance of preventive policies and measures and their regular monitoring and evaluation. Strategies to prevent gender-related killing of women should be integrated and holistic, recognizing that justice is built on a human rights foundation and includes a gender-sensitive approach.

15. Close cooperation with civil society and the engagement of stakeholders such as religious leaders, women's organizations, community leaders, human rights defenders, businesses and sports teams were mentioned as important elements of promising, innovative initiatives. Specific reference was made to the use of convenience stores as shelters and pharmacies, which use had helped to identify vulnerabilities and enhance the reporting of incidents. The role of community policing and the importance of involving men and boys in prevention were also underscored. Participants also highlighted the importance of promoting and protecting the family, as the fundamental group of society and the natural environment for the well-being of all its members, in particular women and children, in fighting gender-related killing of women, recognizing that the family should be a place of safety.

16. In order to further strengthen efforts to prevent gender-related killing of women, the meeting discussed the following practical measures that could be taken by Member States:

(a) Promote changes in social norms and attitudes harmful to women through early and continuous educational programmes and awareness-raising and by conducting or encouraging work with schools and local communities;

(b) Encourage news media to adopt codes of ethics regarding gender-sensitive reporting on violence against women cases, to ensure that victims' dignity and privacy is respected and to avoid the dissemination of harmful and degrading gender stereotypes, as well as to promote gender equality and non-discrimination;

(c) Adopt legislation, policies and measures to prevent lethal risks to women victims of violence and to protect victims and witnesses, including simple, quick and accessible protection and restraining or barring orders, adequate and targeted risk assessment and management strategies, and confidential 24/7 hotlines, shelters or other measures to facilitate access to safety, assistance and support; such protective measures should not be dependent on the initiation of a criminal case;

(d) Promote women's safety audits in order to create a safer urban environment, for example, improved street and underpass lighting and more frequent police patrols in areas prone to molestation of women;

(e) Promote strategies and measures by relevant authorities and civil society to encourage the reporting and early detection of violence that may result in gender-related killing of women;

(f) Regulate the possession, use and storage of firearms by violent offenders, including by providing for ownership and possession restrictions, in particular where violence against women has been reported, and carry out awareness-raising campaigns on the risks of exposure to firearms in domestic disputes;

(g) Review, evaluate and update criminal and civil laws in order to ensure that all forms of violence against women are penalized and prohibited and, if not, to adopt measures to do so, in order to prevent such violence from escalating into gender-related killing of women;

(h) Promote and facilitate coordination among government agencies and courts responsible for different areas of law, such as family law, civil law, criminal law and immigration law, in order to coherently prevent and address violence that could lead to gender-related killing of women;

(i) Promote the rehabilitation and re-education of perpetrators, including by developing and evaluating treatment and reintegration, rehabilitation and education programmes that prioritize the safety of the victims;

(j) Ensure the provision of adequate human and financial resources for the prevention of gender-related killing of women and for the monitoring and evaluation of results;

(k) Evaluate prevention programmes and interventions to build a knowledge base on what works to prevent violence against women.

D. Investigation, prosecution and sanctions

17. The meeting stressed the importance of investigating and prosecuting gender-related killing of women as part of a comprehensive strategy at all levels to prevent and respond to violence against women. It was recognized that investigations and prosecutions of gender-related killing of women were hampered by factors such as negative gender stereotypes, secondary victimization, corruption, impunity and a lack of confidence in the criminal justice system. The meeting noted that there were international standards, guidelines and tools for the effective investigation and prosecution of cases of violence against women.[4]

18. The meeting discussed the following practical measures that could be taken by Member States to ensure that gender-related killing of women was adequately investigated, prosecuted and sanctioned:

(a) Adopt or review criminal policies, including investigatory and prosecutorial policies, to address potential risk factors that can lead to lethal violence against women;

(b) Ensure that competent authorities investigate, prosecute and sanction each case of gender-related killing of women with due diligence and without delay;

[4] See, for example, the following publications of the United Nations Office on Drugs and Crime: *Handbook on Effective Police Responses to Violence against Women* and the accompanying training curriculum, *Handbook on Effective Prosecution Responses to Violence against Women and Girls* and *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*.

(c) Ensure that women have equal protection under the law and equal access to justice, including, where relevant, legal aid, language support services and witness protection;

(d) Minimize the risk of secondary victimization during criminal investigations, prosecutions and trials, inter alia, through testimonial aids and assistance for victims and witnesses;

(e) When relevant, consider adopting an integrated, multidisciplinary and gender-sensitive approach to the investigation of gender-related killing of women, and promote and institutionalize close collaboration and appropriate information-sharing among institutions involved in the investigation of gender-related killing of women, respecting the victim's right to privacy;

(f) Establish, where appropriate, specialized and multidisciplinary units within the police, provide prosecution services with specific expertise and sufficient human and financial resources and encourage the courts to gain specific expertise;

(g) Develop and disseminate specialized manuals and protocols and provide regular and institutionalized training to officials involved in the investigation, prosecution and sanction of gender-related killing of women so as to ensure that they understand the gendered nature of violence, respond to the specific needs and vulnerabilities of the victims and conduct accountable and effective investigations and prosecutions;

(h) Develop appropriate mechanisms and enhance capacities for forensic investigations to identify human remains and missing persons, such as centres for missing persons and DNA databases, to support the prosecution of gender-related killing of women;

(i) Monitor and sanction criminal justice officials (police, prosecutors, interpreters and court officials) who deny women access to justice, including, for example, those who discriminate against women, refuse to apply legislation protecting women's rights or do not exercise due diligence in their official duties in cases involving violence against women, in particular gender-related killing of women;

(j) Taking into account the responsibility of States to define and sanction criminal offences, ensure that appropriate sanctions for perpetrators of gender-related killing of women are in place that are proportionate to the gravity of the offence;

(k) Provide adequate human and financial resources for the investigation and prosecution of gender-related killing of women.

E. Victim support and assistance

19. The meeting recognized the right of victims to be treated with respect for their dignity. It was understood that victims of gender-related killing of women also included the immediate family or dependants of the direct victim and persons who had suffered harm in intervening to assist victims or to prevent victimization, in line with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Participants stressed the importance of adequate reparations and of

addressing structural subordination, systemic marginalization and other institutional and social factors that contributed to violence against women and gender-related killing. Corruption, organized crime and drug trafficking were cited as factors that contributed to victimization.

20. In order to guarantee support and assistance for victims of gender-related killing of women, the meeting discussed the following practical measures that could be taken by Member States:

(a) Make respect for the cultural identity, ethnicity, social origin and language of victims of gender-related killing of women an integral part of the legal framework and institutional policies and practices;

(b) Ensure that the needs of women in vulnerable conditions are addressed, including those of elderly women, rural women, indigenous women, foreign women, immigrant women in irregular situations, women victims of human trafficking, children of women victims of violence, women with disabilities and women in armed conflict;

(c) Ensure that laws, policies and practices concerning child victims and witnesses are child-sensitive and respect the rights of the child;

(d) Protect and support victims, drawing on the important role of civil society and ensuring effective cooperation between all relevant State agencies, including, where appropriate, the judiciary, prosecution services, law enforcement agencies and local and regional authorities;

(e) Ensure that health and other social services are available to the victims, independent of their cooperation with the justice system;

(f) Ensure that adequate and effective judicial mechanisms are available to all victims to allow them to access justice and to enable them to obtain redress for harm suffered;

(g) Ensure that victims are provided with prompt and accurate information regarding their rights and available measures for protection, support, assistance and judicial mechanisms to obtain redress, in a way that takes into account the diversity of their language, ethnicity, race, social and economic origin, including by implementing public information campaigns;

(h) Enable victims to participate in the criminal proceedings, taking into account their dignity, well-being and safety, while respecting the legal rights of defendants and to prepare victims for social reintegration;

(i) Ensure the availability of adequate reparations, including restitution and compensation, in criminal, civil and administrative proceedings, that respond to the diverse needs of victims, in accordance with national law;

(j) Provide adequate human and financial resources to guarantee the rights of victims of gender-related killing of women.